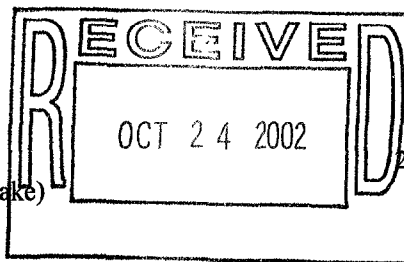


USDA Forest Service
ATTN: NFS – EMC Staff (Barbara Timberlake)
Stop Code 1104
1400 Independence Avenue, SW
Washington, DC 20250-1140



20 October, 2002

NFS – EMC Staff:

This letter is a Notice of Appeal filed pursuant to 36 CFR Part 217, page 46 in the Record of Decision. My name is Candy S. FitzPatrick and my address is P.O. Box 193, Moose Pass, AK 99631. My telephone number is 907-288-5106. The decision I am appealing is the Preferred Alternative as described in the Final Environmental Impact Statement and the resulting Revised Chugach National Forest Revised Land and Resource Management Plan, specifically areas available for motorized and non-motorized winter activities, with modifications as further described in the Record of Decision, as stated on page 3 of the Record of Decision.

My husband and I moved to the Moose Pass area of Alaska in January of 2002 from southeast Alaska, where we had both lived for many, many years. Having limited knowledge of the Moose Pass area in any season, we planned our house-hunting trip in the winter and moved here in the winter. One of our prime reasons for moving to this area was the winter outdoor recreation opportunities available, both motorized and non-motorized. A large part of our motorized recreation opportunities are being threatened, very threatened, by the closures of certain areas of the Forest to motorized winter activities as discussed in the Chugach National Forest Revised Land and Resource Management Plan Final Environmental Impact Statement. These closures not only curtail our winter recreation, but the life blood of financial stability and economy in the communities of the small towns of Moose Pass and Cooper Landing.

The following appeal will discuss the following:

- The Public was not involved at key points in the Environmental Analysis process.
- The areas closed for motorized vehicle use for the entire winter in the final decision are not shown in any of the alternatives nor in the draft preferred alternative that the public reviewed.
- The economic analysis does not reflect any economic data or analysis of how motorized vehicle closures will impact local businesses during the winter months.
- The decision concerning motorized vehicle closures for the entire winter is not based on sound use data that supports the need and demand for more areas to be closed to motorized vehicles.

Thank you for your time.

Respectfully,

Candy FitzPatrick
P.O. Box 193
Moose Pass, AK 99631
907-288-5106

cc: Regional Forester, USDA Forest Service, Alaska Region, P.O. Box 21628, Juneau, AK 99801-1628

This letter is a Notice of Appeal filed pursuant to 36 CFR Part 217, page 46 in the Record of Decision.

This Notice of Appeal is written by Candy S. FitzPatrick, P.O. Box 193, Moose Pass, AK 99631 907-288-5106. Today's date is October 20, 2002.

The decision I am appealing is the Preferred Alternative as described in the Final Environmental Impact Statement (FEIS) and the resulting Revised Chugach National Forest Land and Resource Management Plan, specifically areas available for motorized and non-motorized winter activities, with modifications as further described in the Record of Decision (ROD), as stated on page 3 of the ROD.

The document in which the decision is contained is the Revised Land and Resource Management Plan of the Chugach National Forest Record of Decision, Region 10 MB-480b. The date of the decision was May 31, 2002 and the Deciding Officer is Regional Forester Dennis E. Bschor.

The specific portions of the document to which I contend are:

- The closing of the Crescent Lake/Carter Lake area to all winter motorized use.
- The closing of areas along the Sterling Highway and Seward Highway from Cooper Landing to Summit Lake and Moose Pass to all winter motorized use.
- The closing of Trail River Campground south of Moose Pass to all winter motorized use.
- The closing of the area north of Summit Lake to all winter motorized use.
- The closing of Russian Lakes Trail to Aspen Flats Cabin to all winter motorized use.

The current decision to close these particular areas to motorized vehicle use in the winter seems arbitrary and capricious. I can only speak for myself in this appeal. If these areas of the Chugach National Forest were to remain open to winter motorized vehicle use, in addition to the other recreation opportunities of the quiet kind in these same areas, I will more likely remain a longer period of time in the Moose Pass area.

I contend these Key Appeal Points:

1. The public was not involved at key points in the Environmental Analysis process.

While I moved to Moose Pass in January of 2002, I have been told numerous times that the communities most effected by the major changes in the proposed motorized vehicle closures were not contacted or involved in March, 2001 for the final stages of the revision process. Please see the Final EIS, Chapter 6, page 2, top paragraph: "Follow-up Meetings: As a follow-up the interdisciplinary team (IDT) held a meeting in each of the communities on the Kenai Peninsula. Meetings were conducted in Anchorage, Girdwood, Seward, Soldotna, and Hope in March, 2001." There were no meetings held in the most highly effected communities of Moose Pass and Cooper Landing in March 2001. The meeting that did occur in Seward was not well advertised and therefore was not well attended. Also, Seward is NOT Moose Pass and is NOT Cooper Landing, as some would like to lump them all together. The communities most affected by the closures should have had a meeting held within them. The public had no other way to find out that major changes were being proposed nor were there any further drafts released for formal comment.

I recently attended a special meeting of the Moose Pass Sportsman's Club that was held to discuss the motorized vehicle closures cited in the Final EIS. Note: These "Sportsman's Club meetings" are really TOWN meetings and not an actual club of sportsmen. I can assure you that if there had been a meeting planned in March of 2001 to discuss the follow-up topics, it would have been well attended and many comments would have been gathered as these people are VERY concerned and VERY affected.

References: EIS 3-508 and 36 CFR 219.12 Collaboration and cooperatively developed landscape goals.

2. The areas closed for motorized vehicle winter use in the final decision are not shown in any of the alternatives nor in the draft preferred alternative that the public reviewed.

The Record of Decision state (page 29) "The preferred alternative was constructed primarily by considering Alternatives A through F of the Draft EIS and combining components of each." The point of contention is that none of the alternatives or the draft preferred alternative reflected that any of the currently popular motorized vehicle areas would be subjected to a winter long closure. The winter long closures to motorized vehicles appear to come from out of nowhere.

Furthermore, the EIS Chapter 2 – 19, top paragraph states: "Some changes have been made in the Preferred Alternative in the Final EIS, in response to public comment and IDT review (see Preface, Summary of Changes in the FEIS Preferred Alternative). However, these changes did not significantly affect outputs or the effects analysis." As far as I know, one cannot comment on something that isn't written anywhere for them to know about! Had these closures been cited by the Forest Service for public comment, and a follow-up meeting was held in the public's community, I am quite sure that many comments and opinions would have been stated.

3. The economic analysis does not reflect any economic data or analysis of how motorized vehicle closures will impact local businesses during the winter months.

The IDT and Deciding Officer largely ignored the input that the local governmental entities of the Kenai Peninsula Borough, Soldotna, and Seward DID provide to the Forest Service. No Moose Pass local businesses were contacted about the potential motorized vehicle winter closures. These specific Forest users (motorized vehicle riders) will not be travelling to Moose Pass and that will only further compound the impact of the reduction of the local economy due to other outside factors such as the war on terrorism, railroad worker layoffs, shrinking national economy, etc.

The economic effects section starting on page 3-545 of the EIS only shows a "qualitative" analysis of the effects of each alternative. What is clearly lacking is any content to this analysis. In each alternative, only one sentence addresses the motorized versus non-motorized winter recreation economic effects and it is nearly identical in each alternative. There is no "meat" to the analysis nor any recognition of the impacts that will occur to local businesses should the non-motorized vehicle winter closure take effect.

The non-motorized vehicle users are being singled out of the NATIONAL FOREST in these specific areas during the winter months. These users significantly contribute to the communities of Moose Pass and Cooper Landing during the winter. I can personally say that having a store and a few restaurants open year round in Moose Pass helped our decision to move to Moose Pass, where we are employed, rather than living in Seward and commuting to Moose Pass.

Let all users of the Forest share the responsibility of keeping our great, small Alaskan towns alive.

References: 36 CFR 219.21 Social and Economic Suitability, EIS 3-518, EIS 3-525, EIS 3-527, EIS 3-528, EIS 3-543.

4. The decision concerning motorized vehicle closures for the entire winter is not based on sound use data that supports the need and demand for more areas to be closed to motorized vehicle use.

The purpose and need in the draft EIS stated that popular winter motorized vehicle areas will be kept OPEN. The final decision instead reflects a 180 degree turnaround from this stated purpose and need.

Other areas suggested for "quiet" winter recreation that would not have impacted popular motorized vehicle use areas were ignored by the IDT (ie, Mount Alice area). The EIS states there is a demand for quiet areas versus the current supply. What data supports this overwhelming demand for more quiet areas?

My resounding question is WHY? Where is the proof and scientific data the supports that the proposed closures will benefit anyone? Why are motorized vehicle users being discriminated against? Why can't we SHARE the areas proposed for closures?

References: EIS Appendix K, EIS 3-540, EIS 3-553.

The Chugach National Forest belongs to everyone in this country who pays federal income taxes and even those who don't pay their federal income taxes. The Public includes EVERYONE in this country who has a right to freedom thanks to our leaders and our armed forces. When very specific freedoms are taken away without any sound reasons or proof, it's a sad day. I am part of that EVERYONE and I do not agree that the process was followed before this deciding officer put his signature on the Final EIS.

I am new to the Moose Pass area but feel just as strongly as anyone else here about our economic stability and fair use of the National Forest for ALL users.

Thank you for reading my appeal in it's entirety.

Candy FitzPatrick
P.O. Box 193
Moose Pass, AK 99631
907-288-5106

A handwritten signature in black ink that reads "Candy FitzPatrick". The signature is written in a cursive, flowing style. The first name "Candy" is written in a larger, more prominent script, while "FitzPatrick" is written in a slightly smaller, more compact script. The signature is positioned to the right of the typed name and address.